

News from Ed Markey

United States Congress

FOR IMMEDIATE RELEASE -- January 21, 1999

Massachusetts Seventh District

CONTACT: Colin Crowell

(202) 225-2836

Markey Open Internet Letter to Chairman Kennard of the FCC

January 21, 1999

The Honorable William E. Kennard
Chairman, Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20024

Dear Mr. Chairman:

I am writing with respect to the emergence of competitive broadband service and electronic commerce through the Internet. I am concerned about incipient bottlenecks to competition, innovation and consumer choice in broadband access to the Internet that could potentially threaten the expansion of entrepreneurial opportunity and economic growth through that medium.

It is with growing concern that I note the emergence of broadband networks - most notably in the cable industry -- that are designed to reintroduce bottlenecks to competition, choice and innovation. Many cable companies are bundling proprietary Internet content - a "WWW channel" such as @Home - with their broadband transmission facilities. The end result of such an offering may be to allow the owners of that transmission facility to significantly alter the nature of the Internet experience for consumers and businesses.

As you well know, the digital revolution that is sweeping over our entire telecommunications landscape has prompted a much-heralded convergence of hitherto distinct industries and services. The policy our nation is pursuing in order to unleash competitive forces spurred on by the profound technological innovation underway has as its foundation the Telecommunications Act of 1996. In short, our policy is to pry open historic monopoly markets to consumer choice by insisting on competition, rather than monopoly regulation, as the preferred means of protecting consumers, creating jobs, and fostering innovation. It is not surprising that some monopoly providers have redoubled efforts to retain bottlenecks or make end runs around statutory mandates in court proceedings and elsewhere in order to escape fully opening their markets consistent with the Telecommunications Act.

In my view, however, the Commission has continued to remain steadfast in insisting on the full implementation of the Telecommunications Act, a statute designed and intended to ultimately open all telecommunications markets to full, unfettered, free market competition. I applaud the work that you and your fellow commissioners have done in faithfully attempting to implement the will of Congress. As we approach the third anniversary of the Telecommunications Act of 1996, telecommunications competition is increasingly emerging and inducing companies to move into new markets and services, supporting the pro-competitive, pro-consumer policy the Congress has crafted and the Commission is implementing.

Moreover, as the World Wide Web (WWW) has grown, companies have begun to upgrade facilities (or build wholly new ones) to bring broadband Internet access to the home and business. It is consumer demand that is driving this investment. And consumer interest has been sparked by the seemingly limitless amount of information available and the openness and ease for both accessing such information and providing information to others.

It is precisely this openness that has made the Internet a global platform for innovation, creativity, and economic growth. That openness has also availed Americans in all regions of the country of the ability to access electronic markets at relatively low cost. Fueled by the exponential growth of the WWW, this expansion of entrepreneurial opportunity is poised to further propel economic growth for our nation into the next century.

Any attempt by large corporate owners of the broadband wire to warp an open Internet platform into a more closed system could create a discriminatory corporate filter for cyberspace. This departure from the open architecture roots of the Internet should concern businesses both large and small with e-commerce plans, computer hardware and software companies, electronic entrepreneurs with products to sell or with ideas as yet unborn, as well as by everyday citizens of the Net.

I encourage the Commission to move quickly to ensure that no gatekeeper channels for broadband access are being created. The Commission should pay particular attention to the creation of a discriminatory pathway for consumers to access the information sources of their choice as well as any significant limitation of the ability of entrepreneurs and businesses large and small on the ends of the line attempting to reach consumers in unfettered fashion.

By taking such action the Commission will help to safeguard the open Internet platform the country enjoys today as the owners of telecommunications facilities upgrade to higher access speeds. Such action by the Commission would be entirely consistent with longstanding telecommunications policy goals and would help to secure a competitive telecommunications vision that ultimately benefits American consumers, creates jobs, and drives our economic growth.

Thank you for your time and attention in considering my views. If you have any questions, please feel free to call me or have your staff contact Colin Crowell in my office at 225-2836.

Sincerely,

Edward J. Markey

Ranking Democrat

House Subcommittee on Telecommunications, Trade, and Consumer Protection